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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 NATIONSTAR MORTGAGE, LLC,

8 Plaintiff,

9 vs.

10 LA POSADA CONDOMINIUM PROPERTY
11 OWNERS ASSOCIATION and AYAKA
TOSHIKO SAKURAI,

12 Defendants.
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Case No. 2:17-cv-02391-JAD-GWF

ORDER

14 This matter is before the Court on Plaintiff's Motion for Order for Leave to Serve by
15 Publication and to Enlarge Time for Service (ECF No. 10), filed on October 23, 2017.

16 Pursuant to Fed. R. Civ. P. 4(e), the state statutes in which the District Court is held are
17 followed in matters pertaining to service of summons by publication. N.R.C.P. 4(e)(1)(i) states that
18 the court may permit service by publication if, after due diligence shown, the plaintiff is unable to
19 find the defendant(s) within the state, or they are avoiding the service of summons. The plaintiff
20 must prove this to the satisfaction of the court either by affidavit or by a verified complaint. The
21 Nevada Supreme Court has held that there is no objective, formulaic standard for determining what
22 is, or is not, due diligence. *Abreu v. Gilmer*, 985 P.2d 746, 749 (1999). N.R.C.P. 4(e)(1)(ii) further
23 states that service by publication is valid for "any action which relates to, or the subject of which is,
24 real or personal property."

25 Plaintiff argues that it has shown due diligence by making several failed attempts at serving
26 Defendant Ayaka Toshiko Sakurai. First, Plaintiff attempted service at the subject property at issue
27 in this case: 1900 Desert Falls Court, Unit 206, Las Vegas, Nevada. However, Plaintiff discovered
28 that the property is vacant. *See* ECF No. 10, Exhibit A. Next, Plaintiff attempted service at a


1 California address that it believed belonged to Defendant Sakurai. That address is a private mailbox
2 and service cannot be effectuated there. Third, Plaintiff performed a skip trace on Defendant
3 Sakurai. The only other address revealed by that search was for another PO Box. *Id.* at Exhibit B.
4 Based on this information, the Court finds that Plaintiff has demonstrated due diligence in
5 attempting service on Defendant Sakurai that would warrant permitting service by publication.
6 Moreover, the subject of this litigation is real property. Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Order for Leave to Serve by
8 Publication and to Enlarge Time for Service (ECF No. 10) is **granted**. Defendant Ayaka Toshiko
9 Sakurai may be served by Plaintiff through publication of the summons and complaint in this case at
10 least once a week for four (4) consecutive weeks in the Nevada Legal News, which is a newspaper
11 of general circulation published in Las Vegas, Nevada.

12 **IT IS FURTHER ORDERED** that Plaintiff shall deposit a copy of the summons and
13 complaint in the post office via first class certified mail, directed to Defendant Sakurai's last known
14 physical addresses: 1) 1900 Desert Falls Court, 2) 2537 Pacific Coast Highway, Apt. D429 and
15 3) 904 Silver Spur Road #358.

16 **IT IS FURTHER ORDERED** that Plaintiff shall have until **December 27, 2017**, to
17 complete service upon Defendant Ayaka Toshiko Sakurai.

18 DATED this 24th day of October, 2017.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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